

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28414 of 2021**

Arising Out of PS. Case No.-254 Year-2020 Thana- AMARPUR District- Banka

NANDAN SINGH Son of Rajendra Singh Resident of Village - Kusumkhar,
P.S.- Amarpur, District - Banka.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Indeshwari Prasad Mandal- Advocate
For the Opposite Party/s : Mr. Satyendra Prasad- A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

3 30-11-2021 Heard the learned Advocate for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with Amarpur
P. S. Case No.254 of 2020, instituted for the offences under
Sections 302/ 34 of the Indian Penal Code and Section 27 of the
Arms Act.

The learned counsel for the petitioner submits that the
petitioner is in custody since 17.01.2021, he is a person with
clean antecedent and charge-sheet has been submitted in this
case.

The learned counsel for the petitioner further submits
that from perusal of the allegation as alleged in the F.I.R., it
would manifest that the informant alleges that she was informed
on 04.10.2019 that her husband has been shot, thereafter she



came to the place of occurrence and took her husband to Mayaganj hospital from where he was referred to Spers Ritez Hospital for better treatment and during course of treatment, the husband died on 13.02.2020. It is alleged that on account of death of the husband of the informant, the informant lost her mental balance and when she came back home, then she learnt from local people that the accused persons named in the F.I.R. including the petitioner killed her husband.

Learned counsel for the petitioner submits that from perusal of the allegation as alleged in the F.I.R., it would manifest that the occurrence is alleged to have taken place on 04.10.2019, the husband died on 13.02.2020 and the F.I.R. came to be instituted on 20.05.2020 i.e. after more than seven months of the occurrence without any plausible explanation except that the informant alleges in the F.I.R. that she had lost her mental balance after the death of her husband.

The learned counsel for the petitioner further submits that from perusal of the allegation as alleged in the F.I.R., it would manifest that the informant has not even remotely suggested in the F.I.R. that after her husband was shot on 04.10.2019 and was under treatment till 13.02.2020, he was in unconscious state. Since the husband of the informant died four



months after the occurrence that in itself demonstrates that the death was not account of firing, but on account of intervening circumstances like septicemia.

The learned counsel for the petitioner further submits that since the husband of the informant was getting treated if the local were knowing, who were the persons involved in the occurrence, then the husband of the informant would definitely have disclosed the name of the persons, who committed the occurrence.

Learned counsel for the petitioner further submits that since no F.I.R. came to be instituted while the husband of the informant was under treatment on the allegation that he died in itself demonstrates that perhaps the occurrence had not taken place in the manner it has been alleged.

Learned A.P.P. opposes the bail application.

Considering the fact that the petitioner is in custody since 17.01.2021, he is a person with clean antecedent, charge-sheet has been submitted in this case and the F.I.R. came to be instituted after a delay of seven months without any explanation as aforesaid and that no F.I.R. was instituted while the husband of the informant was under treatment at hospital on account of firing as alleged in the F.I.R., the petitioner, above-named, is



directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Amarpur P. S. Case No.254 of 2020.

The application stands allowed.

(Satyavrat Verma, J)

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